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4 Appellants

5
6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN JOSE DIVISION

9 IN RE: SAN JOSE AIRPORT HOTEL,
10 LLC, DBA HOLIDAY INN SAN JOSE,
MOBEDSHAHI HOTEL GROUP,

11 DEBTORS.

12
13 MOHAMED POONJA, CHAPTER 7
14 TRUSTEE FOR SAN JOSE AIRPORT
15 HOTEL, LLC, DBA HOLIDAY INN SAN
JOSE, DEBTOR, AND MOBEDSHAHI
16 HOTEL GROUP, DEBTOR,

17 PLAINTIFFS,

18 VS.

19 SEVAK & SONS, L.P., A CALIFORNIA
20 LIMITED PARTNERSHIP; CHANDRAKANT
SHAH, AN INDIVIDUAL, AND MRUDULA
C. SHAH, AN INDIVIDUAL

21 DEFENDANTS.

Chapter 7

District Court Case No. 13-cv-04634-EJD

Bankruptcy Case No. 09-51045-SLJ

A.P. No. 11-05236

DECLARATION OF GREGORY CHARLES
IN RESPONSE TO ORDER TO SHOW
CAUSE REGARDING STATUS OF
APPEAL.

23 I, Gregory J. Charles, declare and say:

24 1. I am an attorney at law duly licensed to practice before the courts of the
25 State of California. I am counsel for the party identified above. This declaration is
26 made on my personal knowledge. If called as a witness, I would and could competently
27 testify as follows.

2. The reporter's transcript of testimony has been prepared.

3. The appellant designated the portions of the record to be included in the clerk's transcript. The clerk has not prepared the record.

4. Consequently, the appellant has imaged and indexed the 100 trial exhibits. The 64 requests for judicial notice are being imaged and indexed. The process will be complete on February 11, 2014. The materials will be provided to the clerk pursuant to Rule 8006 on February 12, 2014.

4. The appellant will file a supplemental declaration that includes the clerk's estimate as to when record will be complete.

On Monday, February 10, 2014 in the State of California, I declare under penalty of perjury that the foregoing is true and correct.

/s/ Gregory J. Charles
Gregory J. Charles

Certificate of Service

I am over eighteen years of age, not a party in this action, and employed in Santa Clara County, California at 2131 The Alameda, Suite C-2, San Jose, CA 95126 California 95112. I am readily familiar with the processing of pleadings for delivery via electronic mail. I caused to be served the following on the date listed below:

1. DECLARATION OF GREGORY CHARLES IN RESPONSE TO ORDER TO SHOW CAUSE REGARDING STATUS OF APPEAL.

IF VIA E-MAIL OR ELECTRONIC TRANSMISSION: I caused the document[s] to be sent to the person[s] at the e-mail address[es] listed below through the electronic filing system of the Northern District of California.

James A. Hennefer (SBN 059490)
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I declare that I am a member of the Bar of this Court and that this declaration was executed on February 10, 14in San Jose, California.

s/ Gregory Charles